



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,011	08/09/2000	Minoru Murakami	00590/LH	5463
1933	7590	12/14/2004	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 767 THIRD AVENUE 25TH FLOOR NEW YORK, NY 10017-2023			NGUYEN, TU X	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,011

Applicant(s)

MURAKAMI ET AL.

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-11 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-11,13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Examiner comments

1. Claims 2, 7 and 12, have been cancelled.

Response to Amendment

2. Applicant's arguments with respect to claims 1, 6 and 11, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-6, 8-10, 16-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagamine et al. (US Patent 6564070) in view of Sasaki et al. (US Patent 6006089).

Regarding claim 1, Nagamine et al. disclose a communication device (111, fig.5) comprising:

mail creation means for creating an electronic mail (see col.11 lines 31-32);

storing means for storing regional image information specific to areas (see col.6 lines 14-19);

transmission means for reading from the storing means the regional image information corresponding to the area of the current position (see col.6 lines 4-19 and col.7 lines 12-13), and for attaching said regional image formation to the electronic mail

Art Unit: 2684

and transmitting the electronic mail with said regional image information attached thereto (see col.11 lines 31-32), when the communication device is set in an image attachment mode (see col.11 lines 29-33).

Nagamine et al. fail to disclose detecting means for detecting the current position of the communication device.

Sasaki et al. disclose detecting means for detecting the current position of the communication device (see fig.1 and col.2 lines 4-17). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Nagamine et al. with the above teaching of Sasaki et al. in order to provide detection unit detecting electric field strength RSSI of the received respective radio waves.

Regarding claims 3, 8 and 17, the modified Nagamine et al. disclose storing means stores at least one of scenic images of areas, logo marks of areas, and advertisement images corresponding to areas (see Nagamine, col.6 lines 4-6).

Regarding claims 4 and 9, the modified Nagamine et al. discloses said storing means comprises a read-only memory (see Nagamine, col.12 lines 21-24).

Regarding claims 5, 10 and 15, the modified Nagamine et al. disclose storing means comprises a rewritable memory and means for writing externally supplied information to said rewritable memory (see Nagamine, col.12 lines 21-24).

Regarding claim 6, the modified Nagamine et al. disclose everything as claim 1 above. More specifically, the modified Nagamine et al. disclose a cell station connected to said communication terminal via a radio channel (see Nagamine, col.5 lines 16-25).

Art Unit: 2684

Regarding claims 8, 17 and 19, the modified Nagamine et al. disclose storing means stores at least one of scenic images of areas, logo marks of areas, and advertisement images corresponding to areas (see Nagamine, 212a, 212b, 206 fig.3).

Regarding claims 16 and 18, the modified Nagamine et al. disclose receiving means for receiving electronic mail with image information attached thereto which is transmitted from another device (see Nagamine, col.11 lines 10-13); and

Displaying means for displaying the received electronic mail and the received image information with the received image information superimposed on a part of the receive electronic mail (see Nagamine, col.11 lines 10-17).

5. Claims 11, 13-15 and 20-22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagamine et al. (US Patent 6564070) in view of Sasaki et al. (US Patent 6006089) and further in view of Sakurai et al. (US Patent 6,600,930)

Regarding claim 11, the modified Nagamine et al. discloses everything as claim 1 above. However the modified Nagamine et al. fails to disclose service center.

Sakurai et al. disclose service center (see col.1 lines 14-17). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Nagamine et al. with the above teaching of Sakurai et al. in order to provide a portable radiocommunication terminal can be manufactured at a low price because it is not require to be provided with a mass storage (as suggested by Sakurai et al., see col.8 lines 39-41).

Art Unit: 2684

Regarding claim 13, the modified Nagamine et al. disclose storing means stores at least one of scenic images of areas, logo marks of areas, and advertisement images corresponding to areas (see Nagamine, col.6 lines 4-6).

Regarding claim 14, the modified Nagamine et al. discloses said storing means comprises a read-only memory (see Nagamine, col.12 lines 21-24).

Regarding claim 15, the modified Nagamine et al. disclose storing means comprises a rewritable memory and means for writing externally supplied information to said rewritable memory (see Nagamine, col.12 lines 21-24).

Regarding claim 20, the modified Nagamine et al. disclose the regional information comprises image information corresponding to the current position based on the position information (see Nagamine, col.6 lines 7-10).

Regarding claim 21, the modified Nagamine et al. disclose receiving means for receiving electronic mail with image information attached thereto which is transmitted from another device (see Nagamine, col.11 lines 10-13); and

Displaying means for displaying the received electronic mail and the received image information with the received image information superimposed on a part of the receive electronic mail (see Nagamine, col.11 lines 10-17).

Regarding claim 22, the modified Nagamine, disclose storing means stores at least one of scenic images of areas, logo mark (see Nagamine, col.6 lines 4-6).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 703-305-3427. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2684

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN
11/14/04


NAY MAUNG
SUPERVISORY PATENT EXAMINER